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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION EIGHT

THE PEOPLE,

Plaintiff and Respondent,

v.

REGINALD VAL DAVIN,

Defendant and Appellant.

B207896

(Los Angeles County
Super. Ct. No. YA069114)

APPEAL from a judgment of the Superior Court of Los Angeles County.
James R. Brandlin, Judge. Affirmed.

John L. Staley, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

In 2007, the People of California charged appellant Reginald Val Davin with three counts of second degree commercial burglary, three counts of identify theft, and three counts of theft of access card account information for his unlawful use at Target stores of credit cards issued to other people. The People further alleged appellant had suffered 12 prior convictions and prior prison terms between 1980 and 2003 for property crimes involving other peoples' account access cards.

At his arraignment, appellant waived his right to counsel and chose to represent himself despite the court's explicit advice that he not do so. Appellant thereafter pleaded not guilty. In addition, he moved for dismissal of the prior conviction allegations. His motion asserted the convictions arose from his guilty pleas in previous trial courts that had not advised him that the convictions could be used in the future to enhance his sentences for new offenses. He asserted those earlier courts' failures to advise him of the potential consequences of his guilty pleas violated his rights under *Boykin v. Alabama* (1969) 395 U.S. 238 and *In re Tahl* (1969) 1 Cal.3d 122. The trial court denied appellant's motion to dismiss the allegations.

Appellant and the People entered into plea negotiations. In March 2008, appellant agreed to plead guilty to one count of theft of access card account information and to admit the truth of all prior conviction and prison term allegations. In return, the People dismissed the remaining eight counts against him.

About one month later, appellant moved to withdraw from the plea bargain and rescind his guilty plea. His motion asserted the prosecutor and court had not told him of his right to counsel when he waived his right to trial and pleaded guilty. Because he did not have a lawyer, his motion continued, he did not strike as good a plea bargain as an attorney would have negotiated, and he did not know that his guilty plea forfeited his right of appeal. The trial court denied appellant's motion to withdraw his plea.

The court sentenced appellant to eight years in state prison, consisting of an upper term of three years plus five one-year terms for five of his prior convictions. Appellant filed a notice of appeal in which he contended he had been denied his right to counsel and asked the trial court for a certificate of probable cause to pursue his appeal. (Pen. Code,

§ 1237.5.) The court denied appellant's request, finding appellant had been advised of his right to counsel early in the proceedings and had knowingly and intelligently waived that right when he elected to represent himself.

We appointed counsel to represent appellant. In November 2008, counsel filed a brief under *People v. Wende* (1979) 25 Cal.3d 436 stating he could not find any colorable issues to argue on appeal. The clerk of this court sent a letter to appellant informing him he had 30 days to file a brief or letter if there were any issues he wished us to consider. He filed a brief reiterating his trial court claims that his prior convictions in earlier trial courts occurred in violation of his *Boykin-Tahl* rights, and that he was not informed of his right to counsel when he entered his guilty plea here. We have reviewed the record and find no arguable issues for appeal.

DISPOSITION

The judgment is affirmed.

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RUBIN, ACTING P. J.

WE CONCUR:

BIGELOW, J.

BAUER, J.*

* Judge of the Orange Superior Court, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.